



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST
CABLEVISION OF GARDEN STATE, L.P. FOR A
RENEWAL CERTIFICATE OF APPROVAL TO
CONTINUE TO CONSTRUCT, OPERATE AND MAINTAIN
A CABLE TELEVISION SYSTEM IN AND FOR THE
TOWNSHIP OF EVESHAM, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE02040252

Stryker, Tams & Dill, Newark, New Jersey, by Dennis Linken, Esq. for the Petitioner.

Township Clerk, Township of Evesham, New Jersey, by Florence Ricci, for the Township.

BY THE BOARD:

On June 27, 1979, the Board granted Audubon Electronics, Inc. ("Audubon") a Certificate of Approval in Docket No. 794C-6461 for the construction, operation and maintenance of a cable television system in the Township of Evesham ("Township"). On November 6, 1980, in Docket No. 8010C-6721, the Board approved the transfer of the Certificate of Approval from Audubon to New York Times Company d/b/a New York Times Cable Company of New Jersey ("NYT"). In a subsequent transfer approved by the Board on July 26, 1989, in Docket No. CM89030342, NYT assigned the Certificate of Approval to Garden State Cablevision, L.P. ("Garden State"). On October 8, 1993, the Board granted Garden State a Renewal Certificate of Approval in Docket No. CE91050955 for the Township. On January 5, 2000, in Docket No. CM99110855, the Board authorized the merger of Lenfest Communications, Inc., which owned a 50% interest in Garden State, with and into a wholly owned indirect subsidiary of Comcast Corporation, which owned the remaining 50% interest. As a result of said merger Garden State was subsequently renamed Comcast Cablevision of Garden State, L.P., ("Petitioner"). Although the Petitioner's above referenced Certificate expired on June 27, 2001, it is authorized to continue to provide cable television service to the Township

pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on September 14, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on February 19, 2002. The Petitioner formally accepted the terms and conditions of the ordinance on March 21, 2002, in accordance with N.J.S.A. 48:5A-24.

On April 18, 2002, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.1 et seq.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is fifteen years. The Board finds this period to be of reasonable duration.
5. The Township has reserved the right to review the Petitioner's compliance of the municipal consent ordinance. The Township shall commence the review on the fifth and tenth anniversaries of the granting of this Certificate and shall be completed no later than six months from commencement. The Township shall notify the Petitioner and the Office of Cable Television of the commencement of said review in writing and notify both in writing within thirty days after completion of the review. The notification of completion shall present the Township's findings in the matter. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.

8. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains local offices located at: 1250 Haddonfield-Berlin Road, Cherry Hill, New Jersey; 558 Lakehurst Road, Browns Mills, New Jersey; and 144 S. Broadway, Pitman, New Jersey.
10. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as described in the application and the ordinance. The Petitioner shall continue to provide a dedicated educational access channel. The current channel is maintained by the Lenape Regional High School District. Within six months of receipt of this Certificate and upon written notice from the Township, the Petitioner shall provide a dedicated governmental access channel for use by the Township and its designees, as well as neighboring municipalities served by the same digital hub that wish to do so.
12. Within six months of receipt of this Certificate and upon written notice from the Township, the Petitioner shall construct a dedicated fiber optic return line to a designated location in the Township's municipal building for the purpose of cablecasting live and/or recorded programming on the governmental access channel. The Petitioner shall provide modulators, switching devices and all cabling and wiring necessary to send a signal to the Petitioner and to receive a return feed signal.
13. Within six months of the date of issuance of this Certificate, the Petitioner shall provide to the Township a one time capital contribution of \$75,000.00, to be utilized, as the Township deems appropriate for technology related purposes which may include the purchase of video production equipment, camcorder and character generator equipment for the Township's usage. Upon completion, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with the provision.
14. The Petitioner shall provide standard installation and preferred cable television service, free of charge, to one outlet to each qualified existing and future municipal building to include: police, fire, first aid, emergency management, public works, public library and community or senior centers in the Township, provided the installation is within 200 feet of active cable distribution plant. Installation of additional outlets shall be paid for on a materials plus labor basis by the municipality. Monthly service charges shall be waived on all additional outlets.
15. The Petitioner shall continue to provide standard installation and preferred cable television service, free of charge, to one outlet to each qualified existing and future public and private school in the Township, provided the installation is within 200 feet of

active cable distribution plant. The school may distribute the signal to all classrooms within the school on the school's internal network as long as that network meets or exceeds FCC standards. Should a school request additional outlets to be installed, such installation shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.

16. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future public and private school in the Township, at no charge. The Internet service shall be installed on a personal computer that is accessible to the students and shall not be used for administrative purposes only.
17. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future public library in the Township, at no charge. The Internet service shall be installed on a personal computer that is accessible to the library patrons and shall not be used for administrative purposes only.
18. At such time as the Petitioner begins offering discounted rates to senior citizens and/or disabled persons served by any of their cable systems in New Jersey that do not currently offer such a discount, the Petitioner shall offer the same or an equivalent discount to eligible customers in the Township. The discount shall be applied in accordance with all applicable state statute and regulations.
19. The Petitioner shall appear at least once annually, upon reasonable written request of the Mayor, at a public hearing of the governing body or before the Township's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Township and other cable related issues of concern to the Township.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards of 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire June 27, 2016.

DATED: October 3, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY